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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Tiffanie Willingham,

7 Plaintiff,

8 v.

9 Brian Howard dba The Tow Truck Company,

10 Defendant.

Case No. 2:24-cv-01982-JAD-DJA

Report and Recommendation

11 On October 31, 2024, the Court denied Plaintiff's application to proceed *in forma*
12 *pauperis*, and gave Plaintiff until December 2, 2024, to file an updated application. (ECF No. 3).
13 In doing so, the Court warned Plaintiff that "[f]ailure to timely comply with this order may result
14 in a recommendation to the district judge that this case be dismissed." (*Id.*). To date, Plaintiff
15 has neither filed an updated application to proceed *in forma pauperis* nor filed anything further on
16 the docket. Accordingly, the Court recommends dismissal of this case without prejudice. A
17 dismissal without prejudice allows Plaintiff to refile a case with the Court, under a new case
18 number.

19
20 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
21 prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

22
23 **NOTICE**

24 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be
25 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The
26 Supreme Court has held that the courts of appeal may determine that an appeal has been waived
27 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142
28 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to

1 file objections within the specified time and (2) failure to properly address and brief the
2 objectionable issues waives the right to appeal the District Court's order and/or appeal factual
3 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991);
4 *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

5
6 DATED: January 6, 2025



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE